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EXAMINER

FREAY, CHARLES GRANT

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/647,814
Filing Date: August 25, 2003
Appellant(s): WANG, CHENG CHUNG

Nelson A. Quintero
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 22, 2010 appealing from the Office action mailed October 23, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

U.S. Patent No. 6,793,469: United States District Court, District of Columbia, Civ. A. No. 1:04 CV 01785, *Intex Recreation Corp. v. Team Worldwide Corporation v. Intex Recreation Corp.*, pending.

Control No. 90/008,926: Appeal Brief filed on May 4, 2009 (Examiner's note: it is believed the applicant incorrectly identified this as Control. No. 90/009,926 in the corresponding section of the Appeal Brief).

Appeal 2008-0762: Decided July 28, 2008.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 2, 3, 6 and 7 are finally rejected. Claim 8 has been canceled per the Amendment After Final Rejection of April 22, 2010.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The rejection under 35 USC 102(b) as anticipated by Rey has been withdrawn as redundant of the other rejections and because it pumps a liquid instead of air.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

4,862,533	Adams, III	9-1989
4,678,014	Owen et al	7-1987
6,237,653	Chaffee	5-2001
5,267,363	Chaffee	7-1993
5,890,882	Feldman	6-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Adams, III (USPN 4,862,533).

Adams discloses an inflatable product 10 having an inflatable body 36, a socket (shown in Figs. 9 and 10), an electric pump (shown in Fig. 13 and including 124, see

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col. 4 lines 47-53) having a body (100, 120, 122, 124) partially located within the socket, a connector 128 and a switch 130. Adams, III refers to the element 124 as a motor but at col. 4 lines 47-48 makes clear that the motor is a pump by stating that "motor means 124 suck in air".

The socket structure is clearly shown (most clearly and in the most detail in Figs. 9 and 10) and includes the elements 42, 44 and 60 at least from Fig. 10 and Fig. 9 (The examiner notes that the reference numeral 42 has been used to point to different elements in Fig. 10 and 12 and this has caused some confusion apparently as referenced in the below response to applicant's arguments). The examiner further notes that the element 100, 120 (shown in Fig. 12 and 13 as a single element) can alternatively be considered either as part of the socket (in which case elements 122 and 126 form the pump body) or part of the pump body (in which case the pump body would be represented by elements 100, 120, 122 and 124).

The examiner notes that the terms "socket" and "pump body" are claim limitations which impart very little restriction on the structure which makes up those two elements. Because of this broad language either interpretation of the elements which make up the socket and the pump body in Adams, III anticipates the claims.

Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Owens et al (USPN 4,678,014).

Owens et al discloses an inflatable product (shown in Fig. 1) having an inflatable body M, a socket T (Fig. 8) built in the inflatable body, an electric pump (10, shown in

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Figs. 5 and 6) having a body (26, 144, 150,149) partially located within the socket (see 8 which shows the tube 149 surrounding and defining the air outlet within the socket), a connector (shown in Fig. 1) and a switch 15. The pump "air outlet" is connected with the inflatable body.

Claims 2, 5 and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chaffee (USPN 6,237,653).

Chaffee discloses an inflatable product having an inflatable body 28, a socket 26, an electric pump (100 and also shown in Figs. 1-4 and 6) having a body (1, 18, 20) partially located within the socket (see Fig. 5), and a switch 5. The space within the pump body portion 18 forms an air outlet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of Adams, III, Owen et al, or Chaffee.

As set forth above each of Adams, III, Owen et al, and Chaffee disclose an inflatable product having an electric pump and inflatable body as claimed. The references do not disclose that the switch has a water proof layer covering the switch.

The examiner gave official notice that waterproof layers covering a switch are well known in the prior art in the office action of March 4, 2009 at page 4, lines 14 and 15. .The examiner notes that the applicant did not challenge the examiner taking official notice. This is taken as an admission that waterproof layers covering a switch are well known prior art. At the time of the invention it would have been obvious to one of ordinary skill in the art to provide such a waterproof arrangement to protect the electrical components of each of the Adams, III, Owen et al, and Chaffee pumps from damage.

(10) Response to Argument

The decision regarding whether the applied prior art references anticipate or make obvious the invention set forth in independent claim 2 depends upon the interpretation of the following phrase from that claim:

“an electric pump, including a pump body and an air outlet, connected to the socket to pump the inflatable body, wherein the pump body is wholly or partially located in the socket.”

The applicant argues throughout that the term "pump body" means the main part of the electric pump, as opposed to the "air outlet" portion of the electric pump. The applicant argues that the claim language distinguishes the "pump body" from the "air outlet" and that the term "pump body" excludes the "air outlet".

The examiner respectfully disagrees and argues that the terms "pump body" and "air outlet" do not reference or define separate elements of the electric pump. For the

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reasons as set forth in detail below, it is the examiner's view that an "air outlet" is a portion of the electric pump defined by the pump body. The examiner disagrees with the applicant's interpretation of the cited claim limitations, as set forth above, to describe an outlet as a separate element from a body.

1. Claim Construction

Claims are to be construed in accordance with the intrinsic evidence comprising the claims themselves, the prosecution history, and the specification, as well as permissible extrinsic evidence such as dictionaries. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005) (*en banc*). In particular, claim terms must be construed in the "context of the particular claim" in which it appears. *Id* at 1326.

The term "pump body" has not been specifically or expressly defined in the specification. Accordingly, under MPEP 2111.01.III: "In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art."

MPEP 2111.01.III also set forth guidelines for ascertaining this ordinary and customary meaning, in accordance with the requirements established by the Federal Circuit in *Phillips*:

III. <"PLAIN MEANING" REFERS TO THE ORDINARY AND CUSTOMARY MEANING GIVEN TO THE TERM BY THOSE OF ORDINARY SKILL IN THE ART

The ordinary and customary meaning of a term may be evidenced by a variety of sources, >including "the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art."< Phillips v. AWH Corp., *>415 F.3d at 1314<, 75 USPQ2d **>at 1327.< If extrinsic reference sources, such as dictionaries, evidence more than one definition for the term, the intrinsic record must be consulted to identify which of the different possible definitions is most consistent with applicant's use of the terms. Brookhill-Wik 1, 334 F.3d at 1300, 67 USPQ2d at 1137; see also Renishaw PLC v. Marposs Societa" per Azioni, 158 F.3d 1243, 1250 48 USPQ2d 1117, 1122 (Fed. Cir. 1998).

1.1. Examiner's Construction of the terms "Pump Body" and "Air Outlet"

1.1.1 Claim Language

Both the Examiner and the Applicant agree that ordinary and customary meaning of the term "pump body" is the main part of the pump. This agrees with the definition provided by *The American Heritage Dictionary, Second College Edition* (1982) which defines "body" as "[t]he main or central part of something".

Examiner submits that, when the term "air outlet" is interpreted in accordance to the guidelines set forth in Phillips and MPEP 2111.01(III), the ordinary and customary meaning of "air outlet" is the space formed by the pump body which acts as the flow path for the pumped material. This agrees with *The American Heritage Dictionary, Second College Edition* (1982) which defines "outlet" as "[a] passage for escape or exit; vent".

Thus the ordinary and customary meaning of the terms "pump body" and "air outlet" make clear that the air outlet is a passage defined by the pump body. Every pump, since it is a physical element having mass, has a pump body. Furthermore, every pump has an "outlet" through which it directs the material which it is pumping. However, not every pump has an "air outlet". Some pumps are going to have a "water outlet", or a "fuel outlet", or a "hydrogen outlet", or an "ion outlet", or a "powder outlet", or a "meat outlet". The list of possible types of outlets can be as great as the number of different

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types of materials which can be pumped. This for all practical purposes can be considered an almost endless list.

The clear meaning of the terms “pump body” and “air outlet” is underscored by the language of the claim. The term “pump body” is used to define the main mass or bulk or outer limits of the main or central part of the pump so that it can be clearly referenced when defining its relationship to the socket. Furthermore, the term “air outlet” is to distinguish the type of material which the pump is displacing. For example, the claims expressly recite “An inflatable product” and “an inflatable body” and an “electric pump” connected to pump the inflatable body. The inflation is accomplished by air which is pumped through the outlet. Thus the clear meaning of the claim is underscored by the other language in the claim. This is in accordance with the finding, cited by the applicant, that “the surrounding claim language generally provides an important consideration for construing a particular term in a claim.” *Black & Decker, Inc. v. Robert Bosch Tools Corp.*, Civ. App. 2007-1243, 2008 WL 60501 (Fed. Cir. Jan. 7, 2008)(unpublished).

Therefore, when considered in light of the ordinary and customary meanings and when considered in the context of the surrounding claim language it becomes clear that the “pump body” defines an outlet and the outlet is an “air outlet” because the material being pump to the inflatable product is air.

1.1.2 Specification

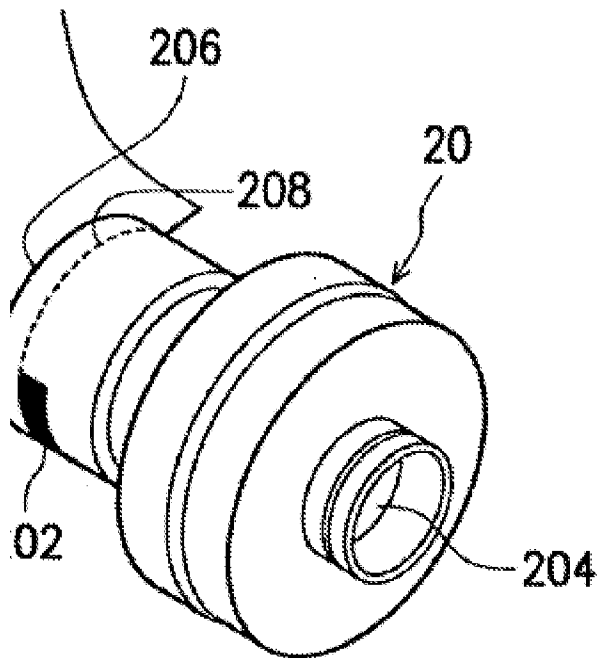
The plain and simple meaning of the term "air outlet", as supported by its ordinary and customary meaning and usage, is that the air outlet is a space formed by the pump body which acts as the flow path for the pumped material. This interpretation of the terms "pump body" and "air outlet" is further expressly made apparent by the specification and drawings as set forth below.

In each of the embodiments disclosed by the application when the outlet or inlet is discussed in the specification the corresponding leader line for the reference numeral to the portion of the pump which is the inlet or the outlet points to and/or ends in an opening or space defined by the pump body.

For ease of reference and understanding the figures of the Applicant's various disclosed embodiments, and the recitation of the inlet and outlet reference numerals are reproduced below.

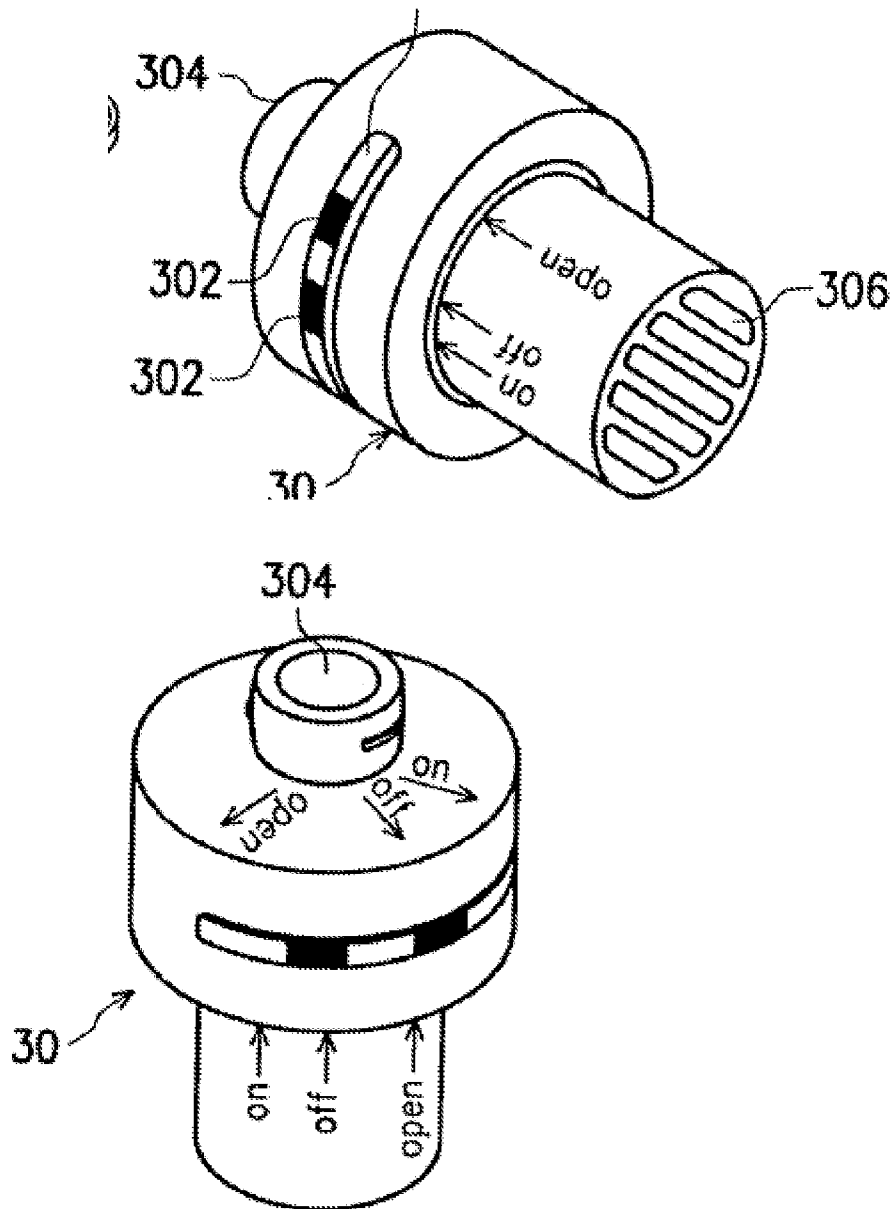
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In the embodiment of figure 2 the reference numeral 204 indicates the inlet and reference numeral 206 indicates the outlet (hidden in the view).



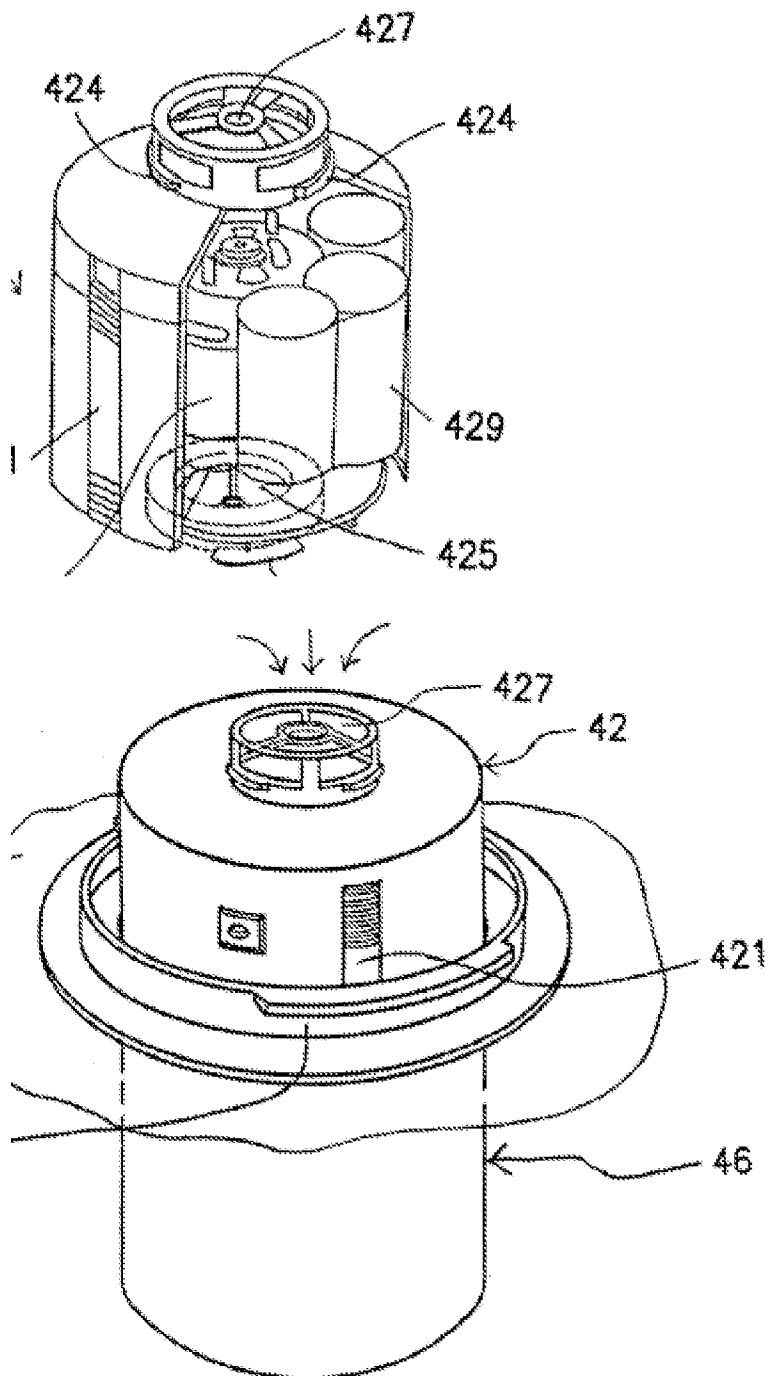
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In the embodiment of figures 4 and 5 the reference numeral 304 indicates the inlet and reference numeral 306 indicates the outlet.



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In the embodiment of figures 8B and 8E (and similarly in figures 9A and 9B the opening 525 and 527) the reference numeral 427 indicates the inlet and reference numeral 425 indicates the outlet.



As made clear by the specification and the drawings the “air outlet” is an opening or passage defined by the “pump body” through which the air pumped by the “electric pump” passes to enter into the inflatable body. The specification never sets forth or describes a physical element or indicates that a certain portion of the outer pump housing is the “air outlet” and the rest of the pump housing is the “pump body” (such a disclosure would support the applicant’s interpretation of the terms but is not present).

1.1.3 Prosecution History

As set forth in MPEP 2111.01(III) the “ordinary and customary” meaning of a term may also be established through reference to the prosecution history.

The applicant references the prosecution history of parent U. S. Application No. 09/738,331 and discusses the Feldman (US 5,890,882) and Chaffee (US 5,267,363 (please note this is a separate Chaffee reference from that applied in the above rejections)) prior art references.

With regards to Feldman, the Applicant, it appears, intended to reproduce a portion of Fig. 6 from that reference but only a portion of the figure is shown. The examiner has reproduced the figure below along with figure 3 from the Feldman reference.

FIG.6

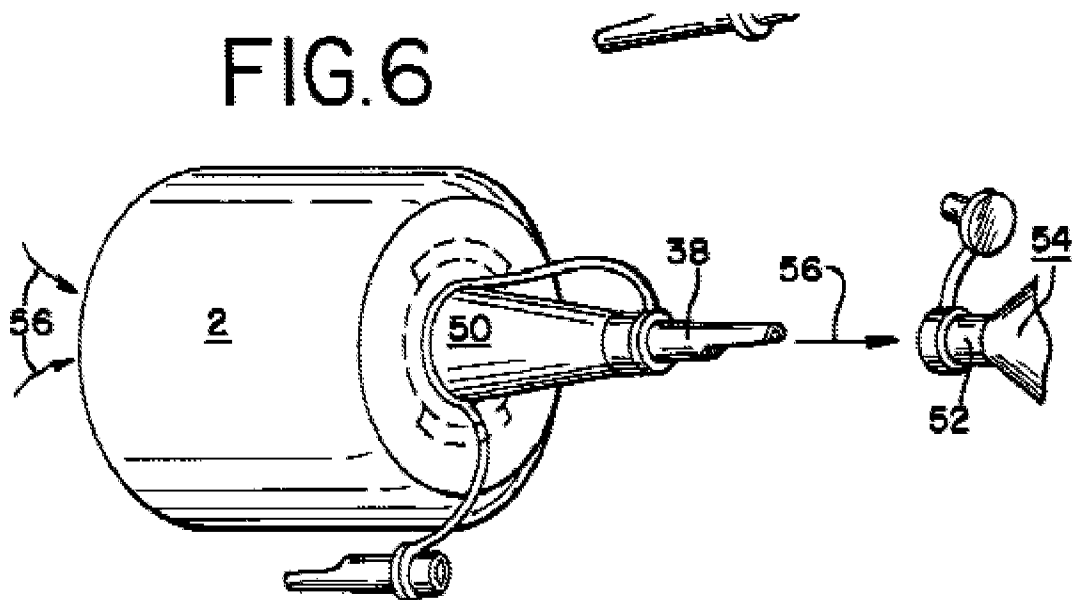
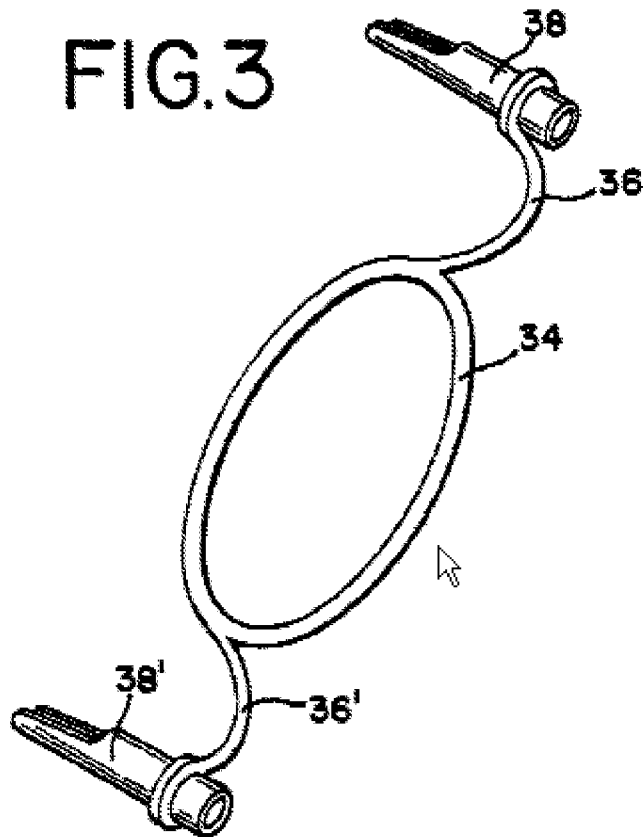


FIG.3



On page 8 of the Appeal Brief Applicant surmises that the previous examiner agreed with the distinction between a “pump body” and an “air outlet”. The current Examiner respectfully disagrees. As noted by Applicant in the interview summary which discussed the amendment that set forth that the *electric pump includes a pump body and an air outlet* wherein the pump body is located in the socket, the previous Examiner stated that the amended claims “now defined the pump body, is in addition to the pump discharge nozzle”. As noted by the Applicant at the bottom of page 7 in the Appeal Brief and in footnote 4 on page 8, the previous examiner initially considered nozzle 38 (shown in Fig. 3 above) to be part of the “electric pump”. From this the applicant has concluded that “the previous Examiner’s conclusion that the ‘air outlet’ nozzle 38 is separate and distinct from the ‘pump body’ of the electric pump of the electric pump” supports the applicant’s proposed construction of the terms. Respectfully, this is pure conjecture by the Applicant and it is the wrong conclusion from the evidence of the record.

In the current Examiner’s opinion what the prosecution history shows with regards to the referenced amendment in the parent application is that to overcome the Feldman reference the Applicant amended the independent claim to set forth that the “electric pump” includes a “pump body” and an “air outlet”. Initially the previous Examiner considered the elements 2, 50 and 38 to be the “electric pump” which was inserted partially into the socket 52. After the amendment the current Examiner believes the previous Examiner considered the elements 2 and 50 to be a “pump body” defining and including an “air outlet”. What the previous Examiner referred to as a discharge

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nozzle (not an “air outlet” nozzle as written by the Applicant in the Appeal Brief) is the separate nozzle 38 (shown above in Fig. 3). This nozzle is a separate piece from the electric pump which includes the pump body and air outlet. Thus, when the previous Examiner wrote “that the amended claims now defined the pump body, is in addition to the pump discharge nozzle” he was referring to the pump body as shown by elements 2 and 50 in Fig. 6 and the discharge nozzle 38. Thus because the discharge nozzle 38 is the element within the socket 52 the “electric pump” including the “pump body” and an “air outlet” are outside of the socket and are separate elements from the discharge nozzle 38.

When arguing the Chaffee ('363) reference the applicant similarly made arguments that in Fig. 2 of Chaffee the "pump body" is referenced by the housing 26 and there is a mouth region 28 protecting away from the body. The Examiner disagrees and notes that in Chaffee the pump body is both the portion 26 and 28. Each of these portions of the pump body is completely outside the socket as shown in Fig. 2 of Chaffee. This interpretation of the Chaffee reference is in complete agreement with the statement made by the previous examiner that “even if Chaffee’s pump had internal threads, the pump body would not be inside the socket.”

The prosecution history is therefore in full agreement and further confirms what the specification, drawings, and the ordinary and customary usage set forth as the meaning of the terms “pump body” and “air outlet”. Specifically, that an “air outlet” is a

portion of the electric pump defined by the “pump body” and not that the “pump body” and the “air outlet” are separate elements as set forth by the applicant.

1.2 Applicant's Interpretation

As shown by the above arguments, the Applicant's interpretation of the claim limitations “pump body” and “air outlet” do not agree with the ordinary and customary meanings of those terms, has no basis in the Applicant's disclosure, and completely ignores the reference numerals as set forth in the specification and leader lines and what they indicate in the drawings. Furthermore, it is respectfully noted that the Applicant has misinterpreted, and drawn the wrong conclusions with regards to, the previous Examiner's positions and the prosecution history of the parent application. Additionally, the Examiner notes that the Applicant's interpretation of the claim language does not present any analysis of what an “air outlet” is what an “air outlet” is commonly understood to be. The applicant merely agrees with the examiner on the definition of “pump body” and then makes an argument that because the “pump body” and the “air outlet” are each mentioned in the claims they must be separate and distinct elements.

2. Response to the Applicant's Arguments in view of the Applied References.

The Examiner notes that the Applicant's arguments with respect to the Adams, Chaffee ('653) and Owen et al references all rely on the Applicant's interpretation of the “air outlet” being a separate element or member from the “pump body”. For the reasons

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detailed above the Examiner respectfully takes the position that this interpretation of the claim language is incorrect. The Examiner again reiterates that the specification does not provide a definition of the term "pump body". Additionally, the only real indication given in the specification of the "air outlet" are the references to the drawings where the leader lines for the corresponding reference numerals for the outlets and the inlets end in an open space. Nowhere does the specification set forth or show an element separate from and attached to a referenced "electric pump" or "pump body" and set forth that "this structure is the structure of an air outlet". This makes sense because the terms "pump body" and "air outlet" were only added to the claims after rejections had been made in the parent application in order to overcome applied prior art, i.e. Feldman and Chaffee ('363)

In view of the very basic description and broad claim language with regards to the terms "socket" and "air outlet" and further in view of the complete lack of description or disclosure and the broad claim language with regards to the term "pump body" these terms must be interpreted in view of their broadest reasonable scope. Furthermore, the broad nature of the claim terms, and the minimum description given with regards to these terms puts all the more emphasis on the need to define the terms in view of what their ordinary and customary meaning is. For these reasons the Examiner strongly asserts that Applicant's strict assignment of specific elements in the Adams, Chaffee and Owen references to be specifically members of a "pump body" or the "air outlet" where the "pump body" and the "air outlet" are exclusive of one another is enforcing or

adopting a very narrow, and wrong, interpretation of the claim terminology which is not supported by Applicant's own disclosure [emphasis added].

The Examiner finds the Applicant's analysis of the claim limitations in the Adams, Chaffee and Owen references all the more problematic when considered in view of how those arguments might apply to the various embodiments of the Applicant's invention disclosed in the present application. Because the Applicant's disclosure provides no clear definition of the strict interpretation of a "pump body" exclusive of the structure of an "air outlet", as argued by the Applicant, it is unclear how someone could determine, for example in the Applicant's embodiment shown in Figs. 2, 4, and 5, what structure represents the "pump body" and the separate structure of the "air outlet".

For these reasons the Examiner believes the Applicant's proposed interpretation of the terms "pump body" and "air outlet" must be found to be incorrect. The Examiner asserts that the correct interpretation must be that the "pump body" forms or defines the "air outlet". Because the Applicant's interpretation is the basis for all of the Applicant's arguments with regards to the Adams, III, Chaffee and Owen et al references the Examiner asserts that these arguments are not persuasive.

Specific issues and counter arguments will be presented for each of the Applicant's arguments set forth with respect to a specific reference below.

2.1 Rejections in view of Adams

With regards to Adams, III the Applicant does give a summary of the Adams reference using the language provided in the Adams disclosure. This discussion is somewhat confusing because it does make reference to the embodiment of a bellow pump which was not applied in making the rejection of the current claims. Significantly, the Examiner notes, that the applicant does admit on page 11 that “Adams identifies the combined structure of the motor means 124 (or bellow pump) and the air piping elements 122, 120, 100, 44 as the pump means 42. “ (The examiner notes that as set forth in the above rejection the Adams motor 124 is a pump). Thus when the Examiner defines the parts 42, 44 and 60 of Adams Fig. 10 as the socket clearly the other elements (100, 120, 122, 124) can be considered the “pump body” of the electric pump.

Here the examiner would like to clear up what seems to be a bit of confusion. Adams seems to be using the reference numeral 42 differently in Figures 10 and 12. When the Examiner referred to Fig. 10 for the detail of the socket and mentioned the numeral 42 he was referring to the large cup, which it seems is the same element being pointed to by the numeral 44 in the figure. In Fig. 12 the numeral 42 is more generically pointing to the entire electric pump structure and is specifically not pointing to the socket/cup 44. When the Examiner mentioned the numeral 42 with regards to the socket he was referring to the structure shown in Fig. 10 which he referenced. Thus, in response to the Applicant's first argument in the first full paragraph of page 14 the examiner notes that the entire pump structure is not being referred to by discussing the

reference numeral 42 as shown in Fig. 10 in terms of the socket. By noting the cup member and referencing the number 42 the Examiner was only referring to the cup shown in Fig., 10. Not the entire pump structure. Therefore the entire socket is not the pump structure as argued by the Applicant.

In response to the Applicant's second argument that only one interpretation of the element 100, 120 as either part of the socket or part of the pump body must be presented the Examiner must disagree. When claim language is as broad as that set forth in the claims of the present application the two alternate interpretations the element 100, 120 are completely valid and each interpretation anticipates the claims. The Examiner notes that the structure being discussed is simple and clearly shown and it should not be beyond the abilities of someone of ordinary skill and technical ability to understand that the one element 100, 120 can either be part of the socket or part of the pump body of the electric pump.

With regards to the Applicant's third argument addressing Adams, on page 14, that the only portion of Adams within the socket is the "air outlet" 102 the Examiner notes that the proper interpretation of Adams is that the portion of the "pump body", i.e. that portion being 102, which defines the "air outlet" is within the socket. Furthermore the Examiner references the arguments under item 2 above.

2.2 Rejections in view of Owen et al

With respect to the Applicant's arguments relating to Owen et al on page 16 the Applicant states that in the Final Rejection "the Examiner identifies valve-engaging projection 149' is identified as the alleged 'air outlet'". This is incorrect. What the Examiner stated was that the outlet could be considered to be at either of the ends of the pump and that the reference numeral 149' represented one of these ends. The Examiner then continued with "[c]learly the openings define a fluid path" and set forth that the opening represents the "air outlet". In Owen et al, as set forth in the rejection above and in the Final Rejection, the elements 144', 149 and 149' are part of the "pump body". The portion of the pump body inserted in the socket T is the "pump body" portion 149. Furthermore the pump body at 149 defines an "air outlet" within it as clearly shown in Fig. 8.

In response to the applicant's arguments that the part 149' or the part 149 is the "air outlet" and must be a separate part from the "pump body" the examiner must disagree for the reasons set forth under section 2 above. As set forth above the "air outlet" is the space formed by the "pump body" and should not properly be considered an element separate from the "pump body".

2.3 Rejections in view of Chaffee

The Applicant begins his arguments against Chaffee by stating at page 17 that the “device includes a fluid transfer orifice 18 protruding away from the main part of the pump”. This is incorrect and is merely the opinion of the Applicant. It is noted that the Applicant has not pointed to where in the Chaffee reference the portion to the right of orifice 18 in Fig. 5 is referred to as “the main part of the pump”. This is because the Applicant cannot since Chaffee does not define that part of the pump as the main part of the pump. Furthermore, the Applicant cannot point to any place in his own disclosure which sets forth a definition of the term “pump body” which could then could be applied to Chaffee to say that these portions of the pump or the contiguous pump wall are main parts of the pump and these other parts of the outer contiguous pump wall are not main parts of the pump.

As noted by the applicant on page 19 of the Appeal Brief the Examiner stated that the Applicant could not clearly identify the pump body in Chaffee. The Applicant’s statement that “[t]he ‘pump body’ of Chaffee is the main part of Chaffee’s fluid moving device 100” respectfully is not a *clear definition* of what the “pump body” would be or what the “main part” of the pump body would be. The term “main part” is a relative term with no clear boundaries.

In the absence of any clear definition of a “pump body” the interpretation of the entire device (for example all of Fig 4) as the pump body or the main part of the pump is proper considering the general nature of the claim limitation and the broad nature of the

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claim limitation. Furthermore, considering the entire device as the “pump body” or “main part of the pump”, for example as shown in Fig. 4, is consistent with the requirement to consider the broadest reasonable interpretation of the claim. Additionally, this interpretation is consistent with the ordinary and customary usage of the terms “pump body” and “air outlet” for the reasons detailed above.

2.4 Rejection over any one of Adams, Owen et al and Chaffee

The Applicant argues that claim 6 is allowable by virtue of his position that claim 2 is allowable. The examiner maintains that claim 2 should properly be rejected as set forth above and that claim 6 should be properly rejected for the reasons set forth above in the rejection under 35 USC 103.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner’s answer are provided herein.

See Attachment A.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Charles G. Freay

/Charles G. Freay/

Primary Examiner, AU 3746

Conferees:

Thomas Denion

Supervisory Patent examiner, AU 3748

Devon Kramer

/Devon C Kramer/

Supervisory Patent Examiner, Art Unit 3746

/Thomas E. Denion/

Supervisory Patent Examiner, Art Unit 3748